

PROB 12C
(7/93)

United States District Court

for the

Eastern District of Washington

Petition for Warrant or Summons for Offender Under Supervision

Report Date: June 15, 2012
FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JUN 18 2012

JAMES R. LARSEN, CLERK
DEPUTY
RICHLAND, WASHINGTON

Name of Offender: Russell Elwell

Case Number: 2:08CR02113-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: 9/30/2009

Original Offense: Crime on Indian Reservation-Assault, 18 U.S.C. §§ 1153 and 113(a)(6)

Original Sentence: Prison - 45 Months
TSR - 36 Months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Thomas J. Hanlon

Date Supervision Commenced: 6/5/2012

Defense Attorney: Alex B. Hernandez, III

Date Supervision Expires: 6/4/2015

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

- 1 **Standard Condition # 3:** The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

Supporting Evidence: Mr. Elwell failed to follow directives from his probation officer by failing to call as directed on June 11, 2012.

On June 6, 2012, this officer completed the defendant's supervision intake. We discussed special condition number 14, where he is required to enter a residential reentry center (RRC) for up 90 days. Mr. Elwell was advised a referral at the Spokane RRC would be submitted for placement. Mr. Elwell was directed to call this officer no later than Monday, June 11, 2012, so he can be given RRC placement status. Mr. Elwell failed to call as directed.

- 2 **Standard Condition # 6:** The defendant shall notify the probation officer at least 10 days prior to any change in residence or employment.

Supporting Evidence: Mr. Elwell has failed to report a change of address as of June 14, 2012.

Prob12C

Re: Elwell, Russell

June 15, 2012

Page 2

On June 5, 2011, Mr. Elwell reported being homeless and that he would be residing at Noah's Ark homeless shelter in Wapato, Washington. On June 12, 2012, this officer went to Noah's Ark and was advised by a volunteer staff member that Mr. Elwell has not been staying at this shelter. The staff member indicated the owner of the Brownstown bar in Brownstown, Washington, may know where to locate Mr. Elwell and it was suggested this officer contact that owner. A business card and a message was left with this staff member requesting Mr. Elwell to contact this officer immediately.

On June 14, 2012, this officer returned to Noah's Ark and was advised by another volunteer staff that Mr. Elwell had stopped by 3 days ago, but has not been staying at the this shelter. A card and instructions were left for Mr. Elwell to contact this officer. As of this date, Mr. Elwell has failed to report a change of address.

3

Special Condition # 21: You shall not enter into or remain in any establishment where alcohol is the primary item of sale.

Supporting Evidence: Mr. Elwell entered the Brownstown bar in Brownstown, Washington, on June 8, 2012.

On June 14, 2012, this officer spoke with a staff member at the Brownstown bar. According to the staff member, on June 8, 2012, Mr. Elwell came to this establishment and was extremely intoxicated. He advised Mr. Elwell was asked to leave due to being intoxicated and overly obnoxious.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 15, 2012

s/Jose Zepeda

Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Warrant
☐ The Issuance of a Summons
☐ Other



Signature of Judicial Officer

June 18, 2012
Date